



Sen. Terry Link

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LRB095 19768 MJR 48275 a

1 AMENDMENT TO SENATE BILL 2400

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2400 on page 2, by  
3 replacing lines 17 through 19 with the following:

4 "fingerprints, voiceprints, records or scans of hand geometry,  
5 facial geometry, or facial recognition. Biometric identifiers  
6 do not include writing samples, written signatures,  
7 photographs, or human biological samples used for valid  
8 scientific testing or screening. Biometric identifiers do not  
9 include donated organs, tissues, or parts as defined in the  
10 Illinois Anatomical Gift Act or blood or serum stored on behalf  
11 of recipients or potential recipients of living or cadaveric  
12 transplants and obtained or stored by a federally-designated  
13 organ procurement agency. Biometric identifiers do not include  
14 biological materials regulated under the Genetic Information  
15 Privacy Act."; and

16 on page 3, line 24, by replacing "entity." with "entity,  
17 whichever occurs first."; and

1 on page 4, by replacing lines 19 through 23 with the following:

2 "(c) Subsections (a) and (b) of this Section do not apply  
3 to a public agency engaged in criminal investigations or  
4 prosecutions, acting pursuant to a valid warrant or subpoena  
5 issued by a court of competent jurisdiction, or issuing  
6 driver's licenses, driver's permits, or other similar  
7 identification cards. Subsection (a) of this Section does not  
8 apply to school districts; however, a school district that  
9 collects biometric identifiers or biometric information must  
10 adopt retention schedules and destruction policies in  
11 accordance with the School Code."; and

12 on page 5, line 10, by replacing "federal law or regulation"  
13 with "or when required by State or federal law"; and

14 on page 5, immediately below line 13, by inserting the  
15 following:

16 "(e-5) Nothing in subsection (d) of this Section shall be  
17 construed to prohibit or inhibit a public agency that issues  
18 driver's licenses, driver's permits, or other identification  
19 cards from:

20 (1) sharing biometric identifiers or biometric  
21 information pursuant to or when required by State or  
22 federal law; or

23 (2) sharing biometric identifiers or biometric

1 information pursuant to a valid warrant or subpoena issued  
2 by a court of competent jurisdiction."; and

3 by replacing line 26 on page 5 through line 1 on page 6 with the  
4 following:

5 "(3) the disclosure or redisclosure is required by  
6 State or federal law; or"; and

7 by replacing line 5 on page 7 through line 4 on page 8 with the  
8 following:

9 "Section 20. Right of action. Any person aggrieved by a  
10 violation of this Act shall have a right of action in a State  
11 circuit court or as a supplemental claim in federal district  
12 court against an offending party. A prevailing party may  
13 recover for each violation:

14 (1) against any public agency or private entity that  
15 negligently violates a provision of this Act, liquidated  
16 damages of \$1,000 or actual damages, whichever is greater;

17 (2) against any public agency or private entity that  
18 intentionally or recklessly violates a provision of this  
19 Act, liquidated damages of \$5,000 or actual damages,  
20 whichever is greater;

21 (3) reasonable attorneys' fees and costs, including  
22 expert witness fees and other litigation expenses; and

23 (4) other relief, including an injunction, as the State

1 or federal court may deem appropriate.".